

KANE, PUGH, KNOELL, TROY & KRAMER LLP

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ATTORNEY FOR DEFENDANTS

GREYHOUND LINES, INC. and

WALTER LEE CLAY

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARIA GARCIA

Plaintiff

v.

GREYHOUND LINES, INC.; and

WALTER LEE CLAY

Defendants

: **Civ. Action No.**

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**PETITION IN SUPPORT OF
NOTICE OF REMOVAL**

PETITION IN SUPPORT OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(d), Defendants Greyhound Lines, Inc. and Walter Lee Clay, by and through their attorneys Kane, Pugh, Knoell, Troy & Kramer, LLP, submits this Notice of Removal from the Superior Court of the State of New Jersey, Law Division, Essex County, to the United States District Court for the District of New Jersey. Defendants appear specially so as to reserve any and all rights of defenses available under Rule 12 of the Federal Rules of Civil Procedure or otherwise, including but not limited to the defense of lack of personal jurisdiction and improper service of process. In support of their Notice of Removal, Defendants state as follows:

1. This action was first commenced by way of Complaint filed in the Superior Court for the State of New Jersey, Law Division, Essex County, on or about March 13, 2017 (“the underlying complaint”). The action was filed as *Maria Garcia v. Greyhound Lines, Inc., et al.*, Docket No. ESX-L-900-17.

2. The summons and underlying complaint were served upon Defendant Greyhound Lines, Inc. on or about April 3, 2017. A copy of the underlying complaint, which constitutes all the process served in this matter, is annexed hereto as Exhibit "A."

3. Defendants' Notice of Removal has been filed in the United States District Court for the District of New Jersey within the time provided by law for the removal of civil actions to the United States District Court.

4. This is an action over which the Court has original jurisdiction pursuant to 28 U.S.C. § 1332, because it is a civil action between citizens of different states and the controversy exceeds the sum of or value of \$75,000.00, exclusive of interest and costs.

5. Upon information and belief, and as alleged in the underlying complaint, Plaintiff Maria Garcia is a citizen of the State of New Jersey.

6. Greyhound Lines, Inc. is a corporation incorporated in the State of Delaware, with its headquarters and principal place of business in the State of Texas.

7. Walter Lee Clay is a citizen of the Commonwealth of Virginia.

8. Plaintiff claims severe and permanent injuries and states she was a passenger on a bus owned by Greyhound Lines, Inc. and driven by Walter Lee Clay, which allegedly rear-ended another vehicle on Interstate 95 in or around Greensville, Virginia.

9. Plaintiff seeks damages in an unspecified amount but which, upon information and belief, exceeds the sum of \$75,000.00.

10. There is complete diversity of citizenship between Plaintiff and Defendants.

11. Defendants have not pleaded or otherwise appeared in this action.

12. By reason of the foregoing, a removal of the action to this Court is proper pursuant to 28 U.S.C. § 1441.

13. Defendants are providing written notice of this removal to Plaintiff and will file a copy of this notice of removal with the Clerk of the Court of the Superior Court of the State of New Jersey, Essex County, thereby effecting the removal of the action to this Court.

14. Removal is hereby effective, without waiver of any challenges that Defendant Greyhound Lines, Inc. may have to personal jurisdiction, proper service or proper venue.

Respectfully submitted,

KANE, PUGH, KNOELL, TROY & KRAMER, LLP

DATE: 4/18/2017

BY: /s/ Justin A. Bayer, Esquire
JUSTIN A. BAYER, ESQUIRE
Attorney for Defendant Greyhound Lines, Inc.
and Walter Lee Clay